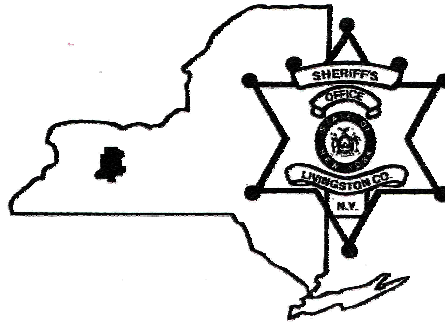


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SHERIFF OF LIVINGSTON COUNTY

Federal Communications Commission
Washington, D.C. 20554
April 29, 2008

Ref: PS Docket No. 08-51

I. INTRODUCTION:

The Livingston County Sheriff's Office 911 Center operates in Western New York State. Its service area encompasses 640 square miles and serves a population of around 64,000 people.

This County offers a proud heritage in 911 services. It was one of the first 911 Counties in New York State offering basic 911 services in May of 1971. In the summer of 2003, Livingston County became the second County in the State of New York that was able to receive Phase II wireless 911 calls, second only to neighboring Ontario County by one day. The Livingston County 911 Center is also the first New York State Sheriff's Association & New York State 911 Coordinators Association Accredited 911 Center, setting the standards for which New York State operates within today. The 911 Center has a four (4) position primary multi-jurisdictional and single stage Public Safety Answering Point (PSAP). Call takers are the Dispatchers. Our center has a second four (4) position backup site that can work simultaneously with the primary center, offering a total of eight (8) positions.

We thank the Commission in advance for allowing us this opportunity to comment on the pending Petition for "Notice of Inquiry Regarding 911 Call-Forwarding Requirements and Carriers Blocking Options for Non-Initialized Phones."

II. BACKGROUND:

Any 911 Center across the country can no doubt attest to the hundreds of accidental or misdialed calls to their Public Safety Answering Point (PSAP). In our own community there is an active NXX code of 991 for a Private Business Exchange

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(PBX) servicing a local hospital. The accidental calls to 911 are constant but they are accident calls that have action taken. Should the caller hang up, Dispatchers are required to take further steps to contact the calling party to ascertain the reason for the 911 call. All of this labors Dispatchers causing the possibility of having their attention drawn from real emergencies. As Commissioner Deborah Taylor Tate points out in her closing statement of the petition, “the easiest course of action for government officials is to merely ignore a problem.”

The difference in these types of accidental calls and that of harassing calls made by non-service initialized (NSI) phones is that it is usually a one-time incident, and if need be, traceable.

In June of 2007, the Livingston County 911 Center began experiencing hang up 911 calls from a Non Service Initialized (NSI) and Legacy phone. The calls are being transmitted on the Sprint PCS/Nextel network and only provided Phase I information IE: Tower site information and PANI. The caller became more and more persistent over time. We have documented numerous occasions where this one phone has called 911 two hundred (200) times over a twenty-hour period.

Complicating this situation further was that in November 2007 we believe the same suspect started calling 911 with a second Phase 1 phone. This second phone was transmitting to 911 using Verizon Wireless service.

The calling party when answered by the Dispatcher would immediately disconnect each call. In just five months (August – December 2007) this person had called 911 well over 3000 times and still continues today.

The PSAP has requested assistance in locating and/or blocking the target annoyance phones with the respective Wireless Service Providers with little or no success. Because of the short duration of the calls being made, even FCC Field Investigators from Buffalo, NY have advised us they would have little chance of locating the suspect unless lucky enough to in close proximity of the caller. Our numerous requests to at least make the attempt using FCC locator equipment has met with only a one time opportunity at which time not a single call was generated in a five hour period.

III. DISCUSSION:

A. Extent of Fraudulent 911 Calls Made From NSI Devices.

Livingston County New York would further offer evidence in support of the Petitioners that NSI devices are a significant challenge for PSAP's. But we would add a significant challenge for Wireless Service Providers as well for the fact that our encounters with both Verizon Wireless and Sprint/Nextel found a wide array of misunderstanding to their own products and capability, as well as an inconsistent understanding of the FCC rules regarding the ability to block a nuisance caller, depending who you talked with. This from the PSAP point of view was not only frustrating but extremely time consuming.

B. Present Call-Blocking Solutions.

Livingston County New York would further agree and support the Petitioners, that present day call-blocking options need to be analyzed so that when a PSAP experiences acute situations the phone can be quickly immobilized. Our first of several contacts with Sprint/Nextel the Wireless Provider never mentioned the possibility of being able to block a harassing 911 call, in fact advising that it could NOT be done. Not until our office faxed the FCC order on call blocking to them was this fact acknowledged. In any event we were informed by Sprint/Nextel that even if they could block the HEX code of the annoyance phone in their system, the call would, more then likely float to another carrier. Again this situation lingers today with no end in sight.

We would recommend rather then blocking the HEX code of the phone from making an outbound call, the Wireless Provider transmit a signal to the device terminating its entire use. This technology is available in today's market.

In the case of the Verizon Wireless device, there to was little to offer as far as blocking the device. The phone disconnected calling 911 when Verizon Wireless turned off their analog system as the phone ceased to function.

C. Potential Alternative Solutions.

Of the three solutions submitted by the Petitioners, Livingston County NY with the support of the New York State 911 Coordinators Association would request the FCC evaluate and strongly support ***Elimination of call-forwarding requirements for NSI devices***. Wireless devices are "everywhere" and "everyone has one." 911 Centers across the country can attest that when there is an accident on a major highway the numbers of callers reporting the same incident is 10 fold of what it was just ten years ago. NSI phones serve no purpose that could not be managed by some other resource.

Give-a-way phone programs and battered spouses shelters offering NSI devices could actually be placing clients into a false sense of security if the NSI device is "legacy" phone, this is only Phase I capable. Such callers at the time of an emergency scream help into a phone that cannot be tracked using Phase II (latitude and longitude) technology. This is not to say that all NSI phones are not Phase II capable. The Commission must understand that NSI phones are an acute problem in the 911 industry. Complicating the situation is that the lack of technology in the legacy phone does not allow any means for 911 Centers or the Wireless Provider to locate the calling party. To solve these issues and simply put, if the phone is not initialized, it should be unusable.

Notification to the general public of the discontinuation of service for NSI phones could easily be accomplished through the same type of advertising the Federal Government has done in eliminating analog television channels. Set a date no more

then three (3) months in advance advising Non-Initialized Phones, including 911 service, will no longer work.

Other options could be explored such as registration of NSI phones to help locate problem callers. But wireless devices are so portable the Commission would soon be seeking comments on this issue as well. At this point in technology only wireless phones with service should be allowed to make calls.

We applaud the Petitioners in their endeavor and thank the Commission for their anticipated response to this ever evolving problem.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael J. Bradley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael J. Bradley
Sergeant/911 Coordinator